

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

In the present Amendment, claims 5 and 7-9 have been amended, wherein claims 1-9 are pending in the present application.

No new matter has been added by way of these amendments. The amendment to claim 5 gives proper antecedent basis for claims 6-8. Also, a period has been added at the end of claim 9. All other amendments are clearly minor in character. Thus, these are clarifying amendments. By deleting/amending these terms in order to clarify the claimed invention, Applicants in no way are conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents

Based upon the above considerations, entry of the present amendment is respectfully requested.

Election

The Examiner has required election in the present application between pyrrole-imidazole compounds in claims 1-9 (identified as "Group I" in the Office Action). The Examiner has also required an election of species.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, with the species recited in claim 5. Claim 1 and 4 are generic (Office Action at page 3), and claims 1-9 read upon the elected subject matter.

Claim 5 recites the specific pyrrole-imidazole polyamide of "Formula 1". Claims 1-4 relate to the elected compound of claim 5, as these claims recite the pyrrole-imidazole polyamide as well (even though claims 1-3 are broader than that of claims 4-5).

Applicants traverse this requirement as being improper. Applicants note that unity was found to exist during the international stage of the present application, wherein a copy of the International Search Report (ISR) for the corresponding PCT application is already of record. Applicants also submit that one cannot properly follow PCT Rule 13.1 and at the same time disregard the PCT ISR finding.

In any event, in consideration of the basis for the present Restriction Requirement, once a "special technical feature" is found with respect to the elected subject matter, Applicants request rejoinder of all withdrawn claims.

Further, consideration of additional species is requested once allowable subject matter is found (see Office Action at page 3, first full paragraph).

Contact Information

Favorable consideration of the present application is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No.

Application No.: 10/570,159
Art Unit 1654
Reply to Restriction Requirement

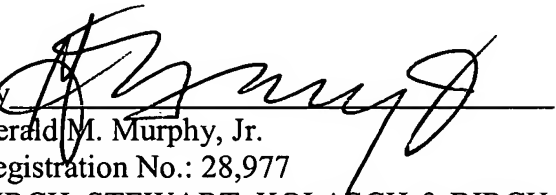
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48,501 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: JUN 01 2009

Respectfully submitted,


By
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